

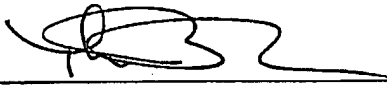
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 8688.046.US0000	
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	First Named Inventor Krister HANSSON		
	Art Unit 1791	Examiner TOLIN, MICHAEL A	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 31,689 Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input checked="" type="checkbox"/> *Total of <u>One (1)</u> forms are submitted.</p>			



Signature
Thomas P. Pavelko

Typed or printed name
202-659-0100

Telephone number
May 20, 2009

Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Krister HANSSON

Confirmation: 9825

Serial No.: 10/580,219

Group Art Unit: 1791

Filed: June 28, 2006

Examiner: TOLIN, MICHAEL A

For: **A PROCESS FOR THE MANUFACTURING OF DECORATIVE
LAMINATE**

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejections prior to filing a brief in this matter.

THE CLAIMED INVENTION

The claimed invention, as exemplified by independent claim 1, the only independent claim in the application, is directed to the process for manufacturing of a decorative laminate. The process comprises:

providing a base layer;

printing a decorative layer comprising a décor on the base layer, the decorative layer comprising a printing ink, the printing ink comprising an amino resin;

applying a wear layer to the decorative layer, the wear layer from the group consisting of phenol-formaldehyde resin, urea formaldehyde resin and mixtures thereof; and

bonding the decorative layer and the wear layer together in a laminate press under increased temperature and pressure, whereby the presence of amino resin in the ink increases the bonding more than could be achieved by the thermosetting resin alone.

Support for such steps are described in original application, for example in the Abstract, and in the specification in paragraph bridging pages 1-2. It had been known that prior art laminate experienced delamination and that the printing ink itself sometimes causes problems with delamination, and it was thus unexpected to find a printing ink that solved the problem of the delamination. Specification page 1, fourth and fifth paragraphs.

THE REJECTION

Claims 1, 2, 4, 6, 7, 10-14 and 16-20 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Hansson et al. (U.S. Patent 6,565,919) in view of Sano (U.S. Publication 2002/0077384), and further in view of either one of Arledter (U.S. Patent 2,861,851) or Mott (U.S. Publication 2002/0007909)

THE REFERENCES

Hansson '919 teaches a "wear layer constituted of one or more sheets of α -cellulose which is impregnated with melamine-formaldehyde resins" (column 3, lines 54-57). By contrast the claimed invention comprises a wear layer comprising a thermosetting resin selected from the group consisting of phenol-formaldehyde resin, urea-formaldehyde and mixtures thereof", none of which are melamine-formaldehyde.

Sano et al teaches an ink composition for ink jet recordings which is said to provide excellent printing stability, ejection stability, and storage stability and can yield good images, especially images having excellent color reproduction. (see Abstract in paragraph [0013]). The ink compositions of the invention were printed by means of ink jet printer as described in paragraph [0151] on a "specialty recording media for ink jet recording" (a specialty glossy film, manufactured by Seiko Epson).

Arledter teaches phenol-formaldehyde as a war layer for a décor paper, not printed ink.

Mott teaches urea-formaldehyde as a wear layer for a décor paper, not printed ink.

The references used in the Rejection of claims 8 and 9 are not cited to cure the deficiency of the foregoing references.

ARGUMENT

Applicants use an amino resin printing ink, **in combination with certain types of wear layer**, and it is the presence of the amino resin in the printing ink which increases the bonding more than can be achieved by using the recited thermosetting resin of phenol-formaldehyde, urea-formaldehyde and mixtures thereof, alone. Accordingly, it is neither “inherent” nor obvious to achieve improved bonding by the use of the printing ink of Sano, in the process of Hansson ‘919.

First, the Hansson wear layer is melamine-formaldehyde and not the claimed phenol-formaldehyde and urea-formaldehyde and mixtures thereof. Secondly, the only evidence known to those skilled in the art is that the presence of printing ink itself is a cause of de-lamination of a decorative laminate (see, for example, page 1, paragraph 4 of the specification).

Thus, there is no disclosure anywhere in the cited Hansson ‘919 or Sano teachings, that the use of an amino resin in a printing ink will give a higher bonding to phenol-formaldehyde, urea-formaldehyde and mixtures thereof.

In the Advisory Action, the Examiner has said that the claimed improvement in bonding is an “inherent” characteristic of Sano’s ink because the ink composition taught Sano is essentially the same as that which is claimed.

The deficiency in this rejection is that although the amino ink of Sano is essentially the type of ink the applicants use in their invention, when you combine the Sano et al teaching with the Hansson ‘919 reference, the printing ink in Hansson ‘919 contacts “one or more sheets of α -cellulose which are impregnated with melamine-formaldehyde resin” (See column 3, lines 55-57). Thus, the “inherency” in the proposed combination of Sano with Hansson ‘919 would not be the claimed invention. Such “inherency” would be between an “amino resin ink and a melamine-formaldehyde resin” and the Examiner has not shown any inherency that would occur in a bond between an amino resin ink and the claimed wear layers comprising phenol-formaldehyde resin, urea-formaldehyde and resin and mixtures thereof as explicitly set forth in claim 1.

The Examiner is not permitted to utilize any portion of applicants own specification and thus the Examiner's rejection still lacks any teaching that the use of an amino resin containing printing ink would improve the bonding with the claimed thermosetting resin specified in claim 1.

While the Examiner argues that the secondary references i.e. Arledter, suggest phenol-formaldehyde as an alternative to melamine-formaldehyde as a resin for an overlay sheet; or Mott which teaches a wear layer may be provided with a plurality of α -cellulose sheets impregnated with urea-formaldehyde as an alternative to melamine-formaldehyde, neither of these references a phenol-formaldehyde or urea-formaldehyde (or combinations thereof) wear layer in contact with a printing ink as a decorative layer. Thus, neither of these references could ever experience the problem possibly experienced in Hansson '919 where the decorative layer is formed by directly printing a printing ink on a base layer. Rather, each of our Arledter and Mott are directed to early forms of laminating process in which the décor layers (usually décor papers) are overlaid with wear layers. Because there was no direct printing i.e. no presence of a printing ink directly on a base layer as in Hansson '919 and in the instant invention, there was no de-lamination problem introduced in these earlier references. It was only when the "direct printing" of a décor with a printing ink became available, as in Hansson '919, that the problems of de-lamination arose. Thus, neither Arledter nor Mott could have suggested to one ordinary skill in the art that the problem of de-lamination when using a printing ink, even an amino containing printing ink as in Sano, could be overcome when the printing ink was overlayed by wear layer comprising a urea-formaldehyde resin, a phenol-formaldehyde resin, or mixtures thereof. Thus, the proposed combination of references still does not teach the claimed process nor result in the improved results which are achieved by the present invention. Therefore applicants respectfully submit that under the *KSR* requirements, the Examiner has failed as a fact finder in locating any collection of references teaching all of the claimed steps of the process.

Although the Examiner argues that "inherency" results when this collage of references are assembled, the Examiner is confusing "inherency", suitable for a rejection under 35 U.S.C 102 of anticipation, for one where the rejection is based upon obviousness under Section 103. Although the

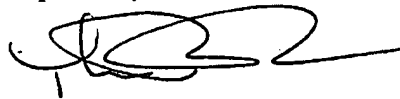
Examiner has cited MPEP 2112, and the leading cases cited therein neither of these cases involve the interactions of different chemical substances as in the instant case.

As the court stated in *Kloster Speedsteel AB v. Crucible Inc.*, 230 USPQ 81, 88 (Fed.Cir.1986) "inherency and obviousness are distinct concepts" citing *W.L. Gore & Associates v. Garlock*, 220 USPQ 303, 314 (Fed. Cir. 1983) citing *In re Sporman*, 150 USPQ 449, 452 (1996) cert. denied, 105 S.Ct. 172 (1984).

However, in the instant case, there is no teaching,(other than that of applicant's own specification) that the use of amino resin containing printing ink with specific non-melamine formaldehyde thermosetting resins, would increase the bond strength between the base layer upon which the amino ink is printed and overlying wear layer in which thermosetting resin is present.

Dated: May 20, 2009

Respectfully Submitted,



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